

BOARD OF DESIGN REVIEW MINUTES

November 6, 2003

CALL TO ORDER: Chairman Mimi Doukas called the meeting to order at 6:35 p.m. in the 2nd Floor Conference Room in City Hall at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Mimi Doukas; Board Members Ronald Nardoza , Jennifer Shipley, Stewart Straus, and Jessica Weathers. Board Members Antonio and Beighley were excused.

Senior Planner John Osterberg, Senior Planner Scott Whyte and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Doukas read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

OLD BUSINESS:

CONTINUANCES:

Chairman Doukas opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. She asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

I. DR 2003-0005 – CANYON TOWN CENTER RETAIL BUILDING DESIGN REVIEW

(Continued from October 30, 2003)

The applicant requests Design Review 3 approval for the site, including a proposed speculative retail building, approximately 6,000 square feet in size, with associated parking and landscaping improvements.

Observing that the applicant had requested a continuance and had signed a waiver of the 120-day rule, Senior Planner John Osterberg pointed out that the attorney representing the Unical Service Station concurs with this request and recommended a continuance until November 20, 2003.

Ms. Shipley **MOVED** and Mr. Nardozza **SECONDED** a motion to continue DR 2003-0005 – Canyon Town Center Retail Building Design Review to a date certain of November 20, 2003.

Motion **CARRIED**, unanimously.

II. **WESTPARK CENTER DEVELOPMENT**

(Continued from August 8, 2003)

A. **BDR 2002-0172 – TYPE 3 DESIGN REVIEW**

The applicant requests Design Review Type 3 approval for construction of a 13,860 square foot single-story retail building, including an associated 367 space parking lot, site landscaping, water quality facilities, and site grading necessary for two future development pads.

B. **VAR 2002-0010 – DESIGN VARIANCE/SETBACK**

The applicant requests Design Variance approval to extend SW Murray Boulevard to connect to SW Barrows Road, including associated landscaping, lighting, retaining walls, and bridge crossings.

Chairman Doukas provided a brief explanation of the hearing and testimony process, observing that both applications would be heard concurrently and would each be subject to applicable approval criteria and voted on through separate motions.

Disclosing that her employer, *WRG Design Group*, has worked with the applicant, *C. E. John Company* and their representative, Mark Perniconi on other projects, Chairman Doukas indicated that this would not affect her ability to participate and make a fair and impartial decision with regard to these applications.

Senior Planner Scott Whyte presented the two Staff Reports associated with this proposal, specifically a Type 3 Design Review for the first phase of a 13,860 square foot retail building and an associated Setback Variance, observing that any future phases would be submitted to the Board as separate applications. He pointed out that these applications had been filed under the jurisdiction of the previous Development Code applicable prior to September 19, 2003, he submitted the color and materials boards, adding that there had been three continuances of this proposal. Concluding, he recommended approval of both applications with associated Conditions of Approval and offered to respond to questions.

Mr. Straus questioned whether all of the parking would be constructed during Phase 1.

Mr. Whyte advised Mr. Straus that a good portion of the parking would be completed during Phase 1.

Chairman Doukas requested clarification with regard to whether this proposal exceeds the applicable parking maximum.

Observing that this had been an issue, Mr. Whyte explained that this is no longer an issue due to the original use that had been proposed, specifically a restaurant, adding that the Development Code has been amended and that a restaurant is a Conditional Use in the Campus Industrial zoning district.

Chairman Doukas questioned whether the parking maximum had been determined.

Mr. Whyte informed Chairman Doukas that the parking is within the maximum limits.

Observing that retail is the only permitted use at this time, Chairman Doukas pointed out that this application involves approving a site plan that requires a Conditional Use Permit.

Mr. Straus questioned whether the parking provided in Phase 1 fits within the maximum parking for the use that is proposed in this phase.

Mr. Whyte indicated that one option available would be to not stripe certain areas at this time, which would comply with parking requirements for the current use.

Mr. Straus questioned whether there is a requirement for two points of access for the Phase 1 parking.

Mr. Whyte advised Mr. Straus that the two points of access are not a concern with this first phase.

Expressing concern with approving parking for a building that does not exist, Chairman Doukas pointed out that there is no assurance that it ever will.

APPLICANT:

MARK PERNICONI, representing the applicant, *C. E. John Company*, explained that this project has encountered numerous obstacles since it began in September 2002. He provided a brief history of the site, observing that the property had been purchased from *Tektronix* approximately four years ago. He mentioned that *Tektronix* had originally had an on-site treatment plant at one time, noting that this site had been utilized for the storage of sludge. Noting that this property had been a Washington County site without sewer service, he explained that it had been annexed into the City of Beaverton in order to access the sewer. He pointed out that the site is located in a Development Control Area (DCA), adding that while the Campus Industrial zone did not originally allow eating and drinking establishments, the Development Code has been amended to address this issue. Observing that Beaverton Creek goes through the parcel, he noted that although there are wetlands on the property, the development would not occur in this area. Noting that the site was involved in toxin issues, he explained that this parcel is part of the property that *Tektronix* has been mandated to clean up, emphasizing that the two specific issues involved are soils and ground water, and mentioned that while the soils issue has been resolved, the ground water issue has not. He introduced Joe Tucker and Geraldine Moyle, both of whom represent *Group MacKenzie* on behalf of the applicant.

JOE TUCKER, representing *Group MacKenzie* on behalf of the applicant, discussed certain aspects of the proposal, including Phase I, involving access, buffering, and monitoring wells; Phase 2, involving the remaining striping; and Phase 3, which involves the build out of the zone, including the proposed office building. He explained that the proposed retail building requires Design Review approval, and described the features, appearance, and frontage of this structure.

GERALDINE MOYLE, representing *Group MacKenzie* on behalf of the applicant, discussed striping, paving, and access, emphasizing that a restaurant would involve obtaining a conditional use.

Mr. Straus questioned the feasibility of investing funding into a project that the applicant is not entirely certain of. He expressed concern with approving parking that is 2½ times greater than what could be supported by the allowed use.

Mr. Perniconi discussed shadow platting, observing that although the first phase does not meet the proposed parking, the final development

would provide necessary justification, adding that he is comfortable with not paving this area at this time. Noting that he would like to establish the buffers, the ring road, and the surrounding pavement, he emphasized that this is important to him based upon his previous experience with changing situations.

Chairman Doukas mentioned code criterion, expressing her opinion that pavement equals parking, even without striping.

Ms. Moyle suggested the possibility of designating certain areas that are not to be paved at this time.

Mr. Osterberg verified that the maximum parking for Phase I is 71 parking stalls.

Mr. Tucker indicated that Phase I would provide 70 parking stalls.

Mr. Straus requested further clarification with regard to the contaminated area.

Mr. Perniconi explained that the organic soil on the site is of poor quality, and assured Mr. Straus that this does not involve a situation similar to that on Sexton Mountain with the methane. He pointed out that because the area has not been used by *Tektronix* for some time the concentration of the contamination has broken down, adding that there is no obligation on the part of the applicant to install a concrete cap. He discussed maintenance and access issues, observing that while the original 25-foot buffers had been increased to 50 feet.

Ms. Moyle pointed out that Condition of Approval No. 10 provides for a two year maintenance period in addition to a warranty period.

PUBLIC TESTIMONY:

No member of the public testified with regard to this proposal.

Mr. Whyte commented with regard to the parking issue, observing that any change to the paving or striping would require an additional Condition of Approval. Noting that the potential restaurant use is not proposed at this time, he pointed out that this would increase the maximum amount of parking to 217 parking stalls, per Development Code Section 60.20.10.

The public portion of the Public Hearing was closed.

Mr. Straus **MOVED** and Ms. Shipley **SECONDED** a motion to **APPROVE** BDR 2002-0172 – Westpark Center Development Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated October 30, 2003, including Conditions of Approval Nos. 1 through 15, and including additional Condition of Approval, as follows:

15. The paved surface area of the site is to be modified eliminating those portions not required for off-street parking in the initial phase while maintaining a paved vehicle route from the parking area to the west site entry for access to existing ground water monitoring wells. Areas to be paved as part of the Phase I site improvement plan are further shown on Exhibit D (the colored site plan submitted by the applicant at the November 6, 2003, public hearing).

Motion **CARRIED** by the following vote:

AYES: Straus, Shipley, Nardozza, Weathers, and Doukas.
NAYS: None.
ABSTAIN: None.
ABSENT: Antonio and Beighley.

Mr. Straus **MOVED** and Mr. Nardozza **SECONDED** a motion to **APPROVE** VAR 2002-0010 – Westpark Center Development Setback Design Variance, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated October 30, 2003, including Conditions of Approval Nos. 1 through 4.

Motion **CARRIED** by the following vote:

AYES: Straus, Nardozza, Shipley, Weathers, and Doukas.
NAYS: None.
ABSTAIN: None.
ABSENT: Antonio and Beighley.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 7:38 p.m.